

Wendy Collard

From: Sharon Bodeker
Sent: Monday, 15 August 2022 04:59 p.m.
To: [REDACTED]
Subject: RE: site of proposed new hydro-slide -additional information request- COST
Attachments: Response to request for information - Moana Pool.pdf

Dear [REDACTED]

I am writing further to your LGOIMA request about the new hydro-slide site. Please accept my apology for this response being late – we had a very busy week last week with nominations for elections closing on Friday.

Please find attached a response to the questions you asked. I trust it provides the information you are looking for.

We have declined providing information to your questions 5 and 6, under section 17(f) of LGOIMA as this part of your request could not be made available without substantial research.

As we have declined part of your request, you have the right to seek a review by the Office of the Ombudsman.

Kind regards

Ngā mihi

Sharon Bodeker

ACTING MANAGER GOVERNANCE

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From: [REDACTED]
Sent: Thursday, July 21, 2022 3:50 AM
To: dcc@dcc.govt.nz
Subject: Re: site of proposed new hydro-slide -additional information request- COST

Kia ora,

could you also please tell me the estimated cost of the proposed new hydrosides and how many?

Nga mihi,
[REDACTED]

On Thu, 14 Jul 2022 at 2:29 PM, [REDACTED] wrote:

Kia ora, could you please tell me if the site of the proposed new hydro-slide at Moana Pool has been decided?

Could you also please tell me the status of the land where the Moana Pool is sited?


Did that land prior to the building of the pool have Reserve status? And, if so, has that status been changed?

Where there any restrictions on site coverage? And, if so, would they still be in effect now?

Before any open recreation green space is removed or built on at the Moana Pool site, does the Council have any obligation to publicly notify such a proposed change, as it might have with land with Reserve Act status?

I am particularly thinking of the open area outside the Leisure Pool, as I have heard rumours that this might be the intended site of the proposed new hydro-slide.

Could you please treat this as a LGOIMA request.

Nga mini,


Moana Pool land status information

Q.1. Could you please tell me if the site of the proposed new hydro-slide at Moana Pool has been decided? Yes, the location of the new hydrosides is finalized.

Q.2. Could you also please tell me the status of the land where the Moana Pool is sited?

The Moana Pool site (pool buildings and surrounding complex incl. leisure pool and hydro slide) is contained within the following land.

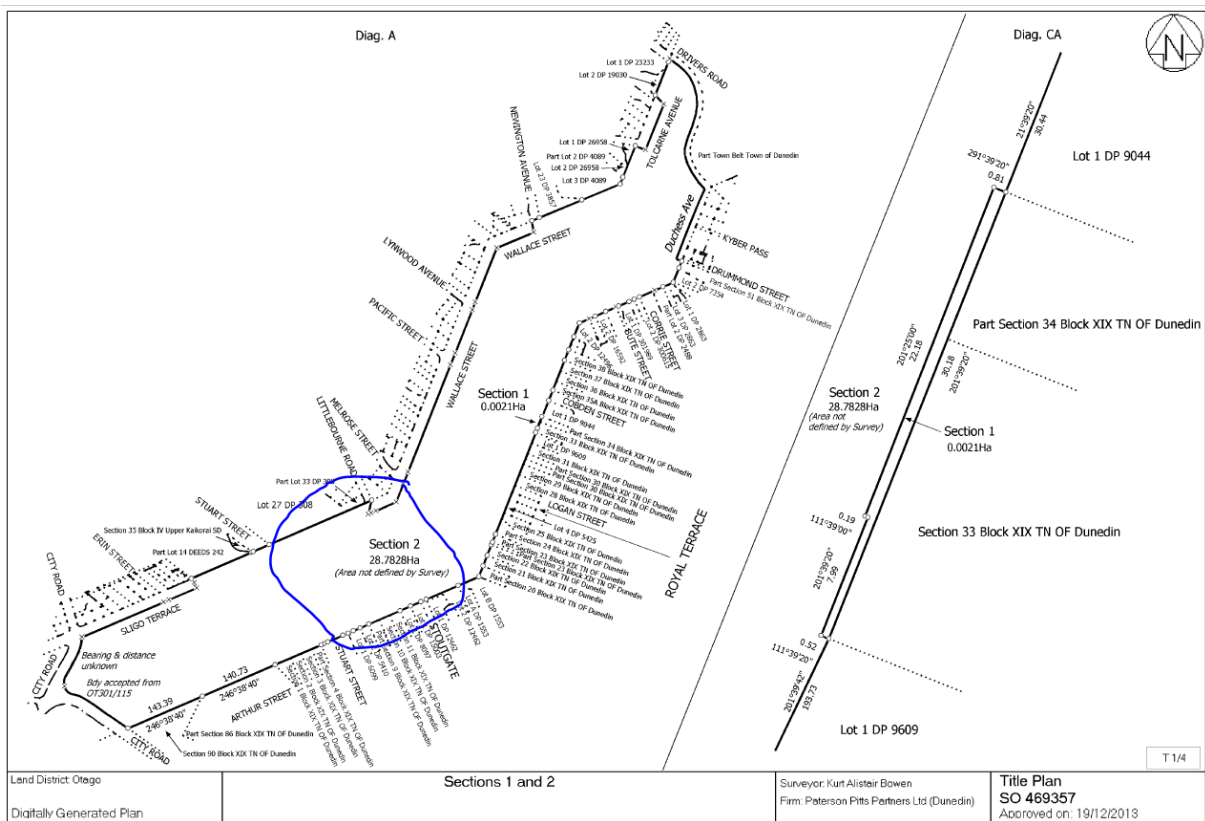
- Part Dunedin Town Belt classified as recreation reserve by NZ Gazette 2007 page 2270
- The land is subject to the Reserves Act 1977
- Legal description: Section 2 SO Plan 469357 comprising a total area of 28.7828ha
- Contained in Record of Title 702732 (Limited as to Parcels*) owned by the Dunedin City Council for a Reserve for the purposes of Recreation.

Limited as to Parcels means that **when the first title for the property was created, a guaranteed title could not be issued. Simply put, this means the boundaries of the land are not correctly defined. This defect generally occurs with properties that were first subdivided in the early 1900s.*

Aerial view showing Moana Pool (part Section 2 SO Plan 469357) circled in blue



SO Plan 469357 showing part of Section 2 (location of Moana Pool) circled in blue



Approx. location for new hydro slide (red outline) within Section 2 SO 469357 boundaries (cream lines)



Q.3. Did that land prior to the building of the pool have Reserve status?

Land History

6 November 1865

Crown Grant of the Town Belt (500 acres) from the Queen to the Superintendent of Otago, to be held by the Superintendent in trust for the purposes of Public Recreation. Recorded in Deeds Index C 1029.

1 November 1876

The land vested in the Queen for the same purposes and objects as the original Grant. Vested under the Abolition of the Provinces Act 1875.

1877 Note: The Public Reserves Act 1877 came into force. Under this Act all Public Reserves that were granted to any Superintendent, but then under the Abolition of the Provinces Act 1875 became revested in the Queen, were permitted to be granted to, or vested in any other body for the same specified purpose upon application of that body.

15 October 1878

At the request of the City the land was granted to and vested in the Council to hold expressly in trust for the purposes of Public Recreation for the City of Dunedin and its inhabitants. Granted under the Public Reserves Act 1877.

28 July 1941

Certificate of Title OT301/115 issued for part of the Town Belt in the name of the Dunedin City Council in trust for the purposes of Public Recreation. Subject to the then Public Reserves, Domains, and National Parks Act 1928.

Q.4. And, if so, has that status been changed?

No, the land status has not changed from being held for Public Recreation purposes.

The land when construction was undertaken was owned by Dunedin City Council held in CFR OT301/115, and administered for public recreation purposes. The DCC website has a brief 'History of Moana Pool' (see link below) which records that planning and construction of the main Moana Pool occurred between May 1961 and November 1964 when that pool was opened.

The Public Reserves, Domains, and National Parks Act 1928 had by that time been replaced by the Reserves and Domains Act 1953, which has since been replaced by the Reserves Act 1977.

DCC website

[Moana Pool redevelopment - Dunedin City Council](#)

Extract from DCC Brief History of Moana Pool

<https://www.dunedin.govt.nz/community-facilities/swimming-pools/moana-pool/history-of-moana-pool>

Q.5. and Q.6. Were there any restrictions on site coverage? And if so, would they still be in effect now?

To answer this question, we would need to undertake research to determine the planning rules that applied in the 1960's, when the pool was initially developed. As such this part of your request cannot be made available without substantial research, and so it is declined under section 17(f) of LGOIMA.

We can advise that there was a publicly notified resource consent in 1998 to expand the pool, and at that time there was no breach of coverage identified.

Q.7. Before any open recreation green space is removed or built on at the Moana Pool site, does the Council have any obligation to publicly notify such a proposed change, as it might have with land with Reserve Act status?

The land on which the hydro-slide development is proposed is land owned by Dunedin City Council and held as recreation reserve for public recreation. Swimming pools and associated aquatic leisure activities are recreational activities and, are provided for and meet the purposes of recreation reserves as set out in the Reserves Act 1977 (section 17).

Accordingly, there is no requirement under the Reserves Act 1977 requiring the Council, as administering body of the reserve land, to undertake any prior public notification of its hydro-slide proposal.

NB: there may have been public notification of the hydro-slide proposal in other ways such as during the LTP or Annual Plan processes.

Q.8. Could you also please tell me the estimated cost of the proposed new hydrosides and how many?"

We have a budget of \$5.95M for the design and build of 3 new hydrosides.